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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 15 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date:

Date: December 18, 2006 Name: Lawrence G. Almeda

Signature: BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SCOTT E. BOATMAN ET AL.

Appln. No.: 10/813,415

Filed: 03/30/2004

For: MEDICAL DEVICE INCLUDING UNITARY,
CONTINUOUS PORTION OF VARYING
DUROMETERExaminer: Suzanne E.
McDowell

Art Unit: 1732

Attorney Docket No: 8627-453 (PA-5259-RFB/DIV)

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Attached is/are:

- ☒ Response to Restriction Requirement; Copy of Return Filing Postcard; Copy of Official Filing Receipt
☐ Return Receipt Postcard.

Fee calculation:

- ☒ No additional fee is required.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,


Lawrence G. Almeda (Reg. No. 46,151)

December 18, 2006

Date

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed November 16, 2006, Applicants respectfully submit this Paper comprising the following parts:

- I. **Listing of Claims**, beginning on page 2; and
- II. **Remarks**, beginning on page 12.

Applicants note that the Transmittal to which this Paper is attached includes a Certificate under 37 C.F.R §1.8; and a fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to Deposit Account No. 23-1925.

BRINKS
HOFER
CILSON
ALTONE